

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5629 of 2022 (O&M)

Date of Decision: 08.02.2024

S.S.Jain Sabha Budhlada

... Petitioner(s)

Versus

Om Parkash

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vikas Mohan Gupta, Advocate
for the petitioner(s).

Mr. Abhishek Bansal, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The Rent Controller has assessed the provisional rent during the pendency of eviction petition filed by the petitioner to seek eviction of the respondent (tenant). The Appellate Authority has remanded the matter back to the Rent Controller for re-assessment after taking into consideration the material available on the record. The correctness of the orders passed by the Rent Controller as well as the Appellate Court is challenged before this Court.
2. The learned counsel representing the petitioner submits that the tenant has denied the landlord and tenant relationship between the parties, therefore, the Rent Controller has no jurisdiction to pass an order for provisional assessment of rent.
3. This Court has considered the submissions of the learned

4. The provisional rent is assessed only to provide an opportunity to the tenant to tender rent in order to secure the payment to the landlord. The provisions of the Rent Act as interpreted by the Supreme Court in *Rakesh Wadhawan & Others v. M/s Jagdamba Industrial Corporation & Others (2002) 5 SCC 440* and has held that the Rent Controller must assess the provisional rent in order to give an opportunity to the tenant to pay the same. In these circumstances, this Court does not find it appropriate to interfere in the orders passed by both the Courts below.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders passed by both the Courts below. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

February 08, 2024

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No